REMARKS

This Amendment is responsive to the Office Action dated June 28, 2005. Applicant has added new claims 47-49. Accordingly, claims 1-49 are now pending in the present application.

Rejections under Section 103

In the Office Action, the Examiner rejected claims 1-8, 15-23, 30-39, and 46 under 35 U.S.C. 103(a) as being unpatentable over Hill et al. (USPN 6,023,714) in view of Gormish (USPN 5,910,796), and rejected claims 9-14, 24-29, and 40-45 under 35 U.S.C. 103(a) as being unpatentable over Hill et al. in view of Gormish and in further view of Bernard et al. (WO00/29935).

Applicant respectfully traverses the rejections. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

For example, none of the applied references, whether taken alone or in combination, would have suggested formulation of a text file containing color commands for presentation of objects within a web page based on a color response of a display device associated with a client on a computer network, and communication of the text file via the computer network, wherein the color response includes information relating to an actual gamma determined for the display device, as specified in Applicant's claims.

Claims 1-8, 15-23, 30-39 and 46

The Examiner characterized Hill et al. as disclosing a method and computer-readable medium for formulating a style sheet containing color properties for presentation of web page content based on characteristics and capabilities of a display device associated with a client on a computer network. The Examiner acknowledged that Hill et al. does not disclose or suggest the formulation of the style sheet based on color information including an actual gamma determined for the display device.

However, the Examiner cited Gormish as disclosing a gamma determination technique for a display device. On this basis, the Examiner concluded that it would have been obvious to include information relating to the

actual gamma of the display device in the color capabilities described by Hill et al. The Examiner reasoned that such a modification would have been obvious "because Gormish teaches that a display devices [sic] gamma determination and correction was essential for the accurate display of images."

Applicant disagrees with the Examiner's conclusion of obviousness. It would not have been obvious to modify the Hill et al. techniques to include actual gamma as one of the device "characteristics and capabilities" used to prepare a style sheet. According to Gormish, the gamma determined for a display device is downloaded to a client system for gamma correction or stored in a server for future use with the client system. Gormish makes no mention of the preparation of a text file that contains color commands for presentation of objects within a web page. Instead, in Gormish, the gamma is used by the client system for gamma correction. Accordingly, one of ordinary skill in the art would have found no teaching in Hill et al. or Gormish that would have suggested the modification of the Hill et al. techniques to include actual gamma in a style sheet.

Moreover, one of ordinary skill in the art would not even have considered Hill et al. amenable to such a modification. Hill et al. provides no feature that would have made use of an actual gamma determined according to Gormish. Hill et al. describes a layout generator that generates style definitions based on the static capabilities of a display device instead of a color response of the display device. The layout generator interrogates the display device to determine the capabilities of an output device and generates style definitions based on the response to the interrogation.

As discussed in previous responses, the layout generator described by Hill et al. generates style definitions based on static display capabilities such as resolution, size and color palette. Gormish does not provide any teaching that would have suggested the modification of a layout generator, per Hill et al., to accommodate actual gamma information. Instead, as mentioned above, Gormish teaches downloading of the gamma determination to a client device for gamma correction. Moreover, the layout generator described by Hill et al. provides no feature for processing a gamma determination per Gormish. Nor would it have been obvious to provide such a feature given the focus of Hill et al. on static device capabilities.

In summary, Hill et al. describes selection of style sheets according to technical specifications of a display device, while Gormish describes gamma determination for use in gamma correction. Hill et al. makes no mention of gamma correction. Gormish makes no mention of the formulation of a text file. Even if gamma correction is generally desirable in an imaging system, per Gormish, this does not amount to a teaching that would have suggested the specific requirements of Applicant's claims.

Rather, given only the vague and universal desire for image quality, and the notion that gamma may be important to image quality, one of ordinary skill in the art would have had no appreciation of the desirability of the specific solution that lies in formulation of color commands in a text file based on actual gamma, particularly in light of the teachings of Hill et al., which does not even contemplate gamma. Instead, one of ordinary skill in the art would have been cognizant of the desirability of such a modification only upon access to the teachings in Applicant's disclosure, which is impermissible. There is simply no teaching that would have been sufficient to modify the Hill et al. system to conform to the requirements of Applicant's claims.

For at least these reasons, the Hill et al. and Gormish references cannot support a prima facie case of obviousness of Applicant's claims 1-8, 15-23, 30-39 and 46 under 35 U.S.C. § 103. Withdrawal of these rejections is requested.

Claims 9-14, 24-29 and 40-45

Bernard et al. provides no teaching sufficient to overcome the basic deficiencies described above with respect to Hill et al. and Gormish. The Examiner acknowledged that Hill et al., as purportedly modified by Gormish, fails to disclose characterizing the color response of a display device by guiding the client through a color profiling process. The Examiner cited Bernard et al., however, as teaching remote characterization of the capabilities of a client output device by delivering images. On this basis, the Examiner concluded that it would have been obvious to modify the Hill et al. system to "have involved the user in the color profiling process taught in Bernard et al., because Bernard et al. teach that having optimal user display settings, which can best be determined by the user, would have increased user confidence for online purchases." Applicants respectfully traverse this rejection.

Again, Hill et al. makes no mention of color profiling or the determination of a color response for a display device. Instead, Hill et al. is merely concerned with the static capabilities of a display device, while Gormish is focused on gamma determination. Accordingly, one of ordinary skill in the art would not have contemplated modification of Hill et al. to formulate a text file based on a color response including information relating to an actual gamma determined for a display device, as addressed above.

Moreover, while Bernard et al. addresses color correction of tagged image files, nowhere does this reference consider formulation of a text file containing color commands for presentation of objects within a web page. Examples of web page objects include text, tables, and boxes. Bernard et al. focuses on the need to provide accurate color for tagged images referenced within a web page, but fails to mention the desirability of specifying color for web page objects. Applicant's claimed invention appreciates the additional advantages of providing color accuracy for other aspects of a web page.

Bernard et al. provides no teaching that would have suggested modification of the layout generator described by Hill et al. to make use of a color response characterization for a display device that is obtained by guiding a client through a color profiling process. In view of these shortcomings, one of ordinary skill in the art would have found no teaching in Hill et al., Gormish or Bernard et al. that would have suggested the inventions defined by claims 9-14, 24-29, and 40-45.

New Claims

Applicant has added claims 47-49 to the pending application. No new matter has been added by the new claims. Claims 47-49 specify that the objects subject to the text file commands include text, tables and boxes. These claims even further distinguish the applied references, as none of the applied references discloses or suggests formulation of a text file containing color commands for presentation of objects within a web page, wherein the objects include text, tables and boxes.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims.

To the extent any claim limitations or alleged prior art teachings have not be address herein, Applicant does not acquiesce in the propriety of any characterization or position established by the Examiner with respect to such limitations or teachings. Rather, Applicant reserves further comment in light of clear distinction of the claimed invention from the applied prior art, as discussed in the foregoing remarks.

Please charge any additional fees or credit any overpayment to deposit account number 05-0225. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.